

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF VIRGINIA  
Richmond Division**

NORFOLK SOUTHERN RAILWAY  
COMPANY,

*Plaintiff,*

v.

COX COMMUNICATIONS HAMPTON  
ROADS, LLC,

*Defendant,*

and

COMMONWEALTH OF VIRGINIA,

*Intervenor Defendant.*

Civil Action No. 3:24-cv-263-DJN

**JOINT STIPULATION OF VOLUNTARY DISMISSAL**

Pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii), the Parties hereby stipulate that this action is voluntarily dismissed without prejudice. On May 22, 2025, the Virginia Supreme Court issued a decision in *Norfolk Southern Railway Company v. State Corporation Commission*, Record No. 240869 (attached as Exhibit A), which precludes Cox Communications Hampton Roads, LLC from pursuing installation of the three fiber optic cable crossings across Norfolk Southern's railroad tracks in New Kent County, Virginia, which are the subject of this action. Accordingly, the Parties stipulate that this action is dismissed without prejudice and all Parties shall bear their own attorney's fees and costs.

May 29, 2025

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Respectfully submitted,

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**CERTIFICATE OF SERVICE**

On May 29, 2025, I caused the foregoing document to be filed with the Clerk of the Court through the CM/ECF system, which will serve notice on all registered counsel.

/s/ Gordon D. Todd

Gordon D. Todd (VA Bar No. 45934)